

DISTRICT BOARD OF HEALTH OF THE BENTON-FRANKLIN HEALTH DISTRICT

Rules and Regulations providing for the establishment of minimum standards for solid waste handling with the Benton-Franklin Health District; establishing permits and fees therefore; providing for a solid waste management system.

RULES AND REGULATIONS

(No. 6)

As adopted March 25, 2004

WHEREAS, the Department of Ecology has passed rules and regulations which are mandatory and binding on the local Boards of Health, and WHEREAS, these rules and regulations require a formal adoption of local rules and regulations by the District Board of Health of the Benton-Franklin Health District:

NOW, THEREFORE, be it resolved the Benton-Franklin District Board of Health hereby adopts all sections of WAC 173-350, solid waste handling standards, except where modified, addendums imposed and specified herein and adopted, and that from and after the date of this resolution, shall be and read as follows: RULES AND REGULATIONS NO. 6

Section I Scope

These regulations shall apply to all territory within the boundaries of the Benton-Franklin Health District.

Section II Authority and Purpose

These solid waste rules and regulations are promulgated under the authority of Chapters 70.05, 70.46, and 70.95 Revised Code of Washington (RCW); and, Chapter 173-350 Washington Administrative Code (WAC), to protect public health, safety, environment, and welfare of the Benton-Franklin Health District citizens. These regulations govern the handling of solid waste within Benton-Franklin Health District, including permit issuance.

Section III Administration

The District Health Officer shall administer the provisions of these regulations.

Section IV Owner Responsibilities For Solid Waste (WAC 173-350-025)

WAC 173-350-025 Owner Responsibilities for Solid Waste, is hereby adopted by reference.

Section V Performance Standards(WAC 173-350-040)

WAC 173-350-040 Performance Standards is hereby adopted by reference with the following additions:

New (6), (7), and (8) shall read as follows:

- (6) have a financial assurance instrument approved by the Health Officer to close the facility and return the site to a condition acceptable to the Health Officer.
- (7) maintain a minimum of 100 feet from all wells, seasonal or permanent surface water and springs. Additional setbacks shall be identified in the plans and operating permit applications from other items including but not limited to; roads, utilities, easements, property lines, structures, residences, for each proposed facility as determined by the Health Officer.
- (8) comply with any additional requirements deemed necessary to protect public health and the environment by the Health Officer.

Section VI Definitions (WAC 173-350-100)

WAC 173-350-100 Definitions is hereby adopted by reference with the following additions:

Health District means the Benton-Franklin Health District.

Health Officer means the Health Officer of the Benton-Franklin Health District or his duly authorized representative.

Jurisdictional Health District means the Benton-Franklin Health District.

Benton-Franklin Health District includes all the area within the boundaries of Benton and Franklin Counties as established pursuant to RCW 70.46 exclusive of the Hanford Reservation.

Tire Pile means the storage of waste tires in quantities of greater than eight hundred automobile tires or the combined weight equivalent of sixteen thousand pounds of all types of waste tires.

Section VII Beneficial use permit exemptions (WAC 173-350-200)

WAC 173-350-200 is hereby adopted by reference with the following addition:

New Section (2)(e) shall read as follows:

- (2)(e) The person holding an exemption for Beneficial Use from the Department of Ecology shall notify the Benton-Franklin Health District in writing 30 days prior to distributing their product within the District to allow for verification of compliance with the terms of the exemption. Should adverse conditions be revealed and not specifically addressed within the terms of the exemption the Health Officer may impose further restrictions on the distribution and disposal of the material within the Health District.

Section VIII Composting Facilities (WAC 173-350-220)

WAC 173-350-220 Composting Facilities is hereby adopted by reference with the following addition:

New Section (1)(c)(ix) shall read as follows:

- (1)(c)(ix) All exempt compost, facilities generating in excess of 1000 cubic yards of finished compost per year, shall be inspected annually by the Health Officer or a qualified engineering firm at the owners expense to determine compliance with these rules.

Section IX Land Application (WAC 173-350-230)

WAC 173-350-230 Land Application is hereby adopted by reference with the following additions:

Section (2) shall be revised to read as follows:

- (2) Land application - Location standards.
- (a) *Staging areas shall be located in areas with a minimum of 10 feet of soil with a maximum hydraulic conductivity of 10^{-5} cm/sec unless engineering justification is provided identifying equivalent protection.*
- (b) There are no additional specific location standards for land application of solid waste subject to this chapter; however, land application sites must meet the requirements provided under WAC 173-350-040(5).

Section X Inert Waste Landfills (WAC 173-350-410)

WAC 173-350-410 Inert Waste Landfills is hereby adopted by reference with the following additions:

Section (1) shall be revised to read as follows:

- (1) *Inert waste landfills - Applicability.* These standards apply to landfills that receive only inert wastes, as identified pursuant to WAC 173-350-990, including facilities that use inert wastes as a component of fill. In accordance with RCW 70.95.305, facilities with a total capacity of two hundred fifty cubic yards or less of inert wastes are categorically exempt from solid waste handling permitting and other requirements of this section, provided that the inert waste landfill is operated in compliance with the performance standards of WAC 173-350-040, the waste is covered with a minimum of 12 inches of earthen material and the location of said burial is recorded on the title of the property. An owner or operator that does not comply with the performance standards of WAC 173-350-040 is required to obtain a permit from the jurisdictional health department, and may be subject to the penalty provisions of RCW 70.95.315.

Section XI Permit Application and Issuance (WAC 173-350-710)

WAC 173-350-710 Permit Application and Issuance is hereby adopted by reference with the following addition:

Section (6)(b)(i) shall be revised to read as follows:

- (i) Upon request of the applicant or holder of the permit, grant a hearing with the Health Officer or the Appeals Board on such denial or suspension in accordance with the Benton-Franklin District Board of Health Rules and Regulations No. 2, Appendix A

The following sections shall be added:

Section XII Penalties

Any person, firm or corporation who violates or refuses or fails to comply with the provisions of these regulations shall be guilty of a misdemeanor in accordance with these regulations and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed ninety (90) days or to both fine and imprisonment in accordance with the provisions of RCW 70.95. Each day a violation is allowed to continue shall be considered a separate violation.

Section XIII Severability

If any section, subsection, sentence, clause or phrase of these regulations is held invalid, such decision shall not effect the validity of the remaining portions.

Section XIV Effective Date

These regulations shall become effective upon approval and adoption by the Benton-Franklin District Board of Health.

ADOPTED BY THE BENTON-FRANKLIN DISTRICT BOARD OF HEALTH THIS 25th
DAY OF March, 2004.